

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 220

As Amended by Senate Committee on
Corrections and Juvenile Justice

Brief*

SB 220, as amended, would amend the criminal battery statute to create the crime of aggravated battery against a mental health employee, which would be defined as an aggravated battery committed against a mental health employee by a person in the custody of the Secretary for Aging and Disability Services while the employee is engaged in the performance of the employee's duty. This crime would be a severity level 3, person felony.

The bill also would clarify the definition of "mental health employee" in the criminal battery statute to specify it includes contractors or employees of contractors who are under contract to provide services to the Kansas Department for Aging and Disability Services (KDADS), working at any institution or facility.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Holmes. As introduced, the bill would have raised the severity level of battery against a mental health employee to a severity level 3, person felony if committed by a person civilly committed to a treatment facility as a sexually violent predator.

In the Senate Committee on Corrections and Juvenile Justice, a representative of KDADS testified in support and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

proposed an amendment to base the higher severity level on conduct and make it generally applicable to mental health employees regardless of who commits the crime. There were no other conferees.

The Senate Committee adopted an amendment based on the KDADS suggestion.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission estimates the bill would require one additional prison bed in FY 2016 and an additional six prison beds by FY 2025.

As of January 12, 2015, available prison bed capacity is 9,636. Based upon the Sentencing Commission's most recent ten-year projection, the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. It may cost the Department of Corrections an additional \$14,600 in FY 2016 and \$29,200 in FY 2017 to house the additional inmates created by this bill in contract beds, at a rate of \$40 per day.

The Office of Judicial Administration indicates the bill would have no fiscal effect on the Judicial Branch. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.